

ORIGINALApproved: C. BlaCHRISTOPHER D. BRUMWELL
Assistant United States AttorneyBefore: THE HONORABLE PAUL E. DAVISON
United States Magistrate Judge
Southern District of New York

----- X UNITED STATES OF AMERICA - v. - ROBERT STEPHENS, Defendant.	: : : : : : : X	<u>SEALED COMPLAINT</u> Violation of 18 U.S.C. §§ 1344, 1709, and 2 <u>COUNTY OF OFFENSE:</u> ROCKLAND <i>19m903</i>
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SOUTHERN DISTRICT OF NEW YORK, ss.:

HENRY PEREZ, being duly sworn, deposes and says that he is a Special Agent with the United States Postal Service ("USPS"), Office of the Inspector General ("USPS-OIG"), and charges as follows:

COUNT ONE
(Bank Fraud)

1. From at least on or about September 14, 2018 up to and including at least on or about October 25, 2018, in the Southern District of New York and elsewhere, ROBERT STEPHENS, the defendant, willfully and knowingly, did execute and attempt to execute a scheme and artifice to defraud a financial institution, the deposits of which were then insured by the Federal Deposit Insurance Corporation, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of, such financial institution, by means of false and fraudulent pretenses, representations, and promises, to wit, STEPHENS deposited stolen checks payable to others into STEPHENS's bank account at a financial institution without the payees' consent.

(Title 18, United States Code, Sections 1344 and 2.)

COUNT TWO
(Theft of Mail by a Postal Employee)

2. From at least on or about September 14 2018, up to and including at least on or about October 23, 2018, in the Southern District of New York and elsewhere, ROBERT STEPHENS, the defendant, being a Postal Service employee, knowingly did embezzle letters, postal cards, packages, bags, and mail, and articles and things contained therein entrusted to him and which came into his possession intended to be conveyed by mail, and carried and delivered by a carrier, messenger, agent, and other person employed in a department of the Postal Service, and forwarded through and delivered from a post office and station thereof established by authority of the Postmaster General or of the Postal Service; and did steal, abstract, and remove from such letters, packages, bags, and mail, articles and things contained therein, to wit, STEPHENS, while working as an employee for the Postal Service in Nanuet, New York, removed and stole checks contained in letters he was responsible for delivering.

(Title 18, United States Code, Sections 1709.)

The bases for my knowledge and for the foregoing charge are, in part, as follows:

3. I am a Special Agent with the USPS-OIG and have been so employed for approximately eight years. I have been personally involved in the investigation of this matter. This affidavit is based upon my observations and personal participation in the investigation, my conversations with law-enforcement officers and others, and my examination of reports and records prepared by others. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the contents of documents or the actions, statements, or conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

4. Based on my participation in this investigation and my review of USPS records, I have learned that ROBERT STEPHENS, the defendant, has been employed by USPS since approximately 2016 as a City Carrier Assistant at the Post Office in Nanuet, New York. As a City Carrier Assistant, STEPHENS delivered and collected mail along multiple assigned routes in Nanuet, New York.

5. Based on my conversations with an employee of Capital One Bank (the "Capital One Employee"), I learned that ROBERT STEPHENS, the defendant, maintained a checking and savings account at Capital One (the "Stephens Checking Account" and "Stephens Savings Account," respectively), and that several checks made payable to individuals other than STEPHENS had been deposited into the Stephens Checking Account and the Stephens Savings Account.

6. Based on my review of records maintained by Capital One Bank and my conversation with the Capital One Employee, I have learned that:

a. On or about September 14, 2018, at approximately 8:08 P.M.¹, a check in the amount of \$1,453.32 made payable to an individual other than STEPHENS was deposited by ATM into the Stephens Checking Account. The back of the check is signed in the name of the payee, not STEPHENS. Also on or about September 14, 2018, at approximately 8:08 P.M., a Capital One surveillance camera recorded an image of an individual resembling ROBERT STEPHENS, the defendant, wearing a USPS cap at a Capital One ATM in Brooklyn, New York.²

b. On or about October 2, 2018, at approximately 4:56 P.M., two checks in the amounts of \$202.00 and \$27.00 made payable to individuals other than STEPHENS were deposited by ATM into the Stephens Checking Account. The back of the check in the amount of \$202.00 is signed in the name of the payee, not STEPHENS. Also on or about October 2, 2018, at approximately 4:56 P.M., a Capital One surveillance camera recorded an image of an individual resembling STEPHENS at a Capital One ATM in Brooklyn, New York.

c. On or about October 14, 2018, at approximately 9:16 A.M., two checks in the amounts of \$455.00 and \$103.20 made payable to individuals other than STEPHENS were

¹ The Capital One Records I reviewed list the times of this deposit and the other deposits and withdrawals described in paragraphs 6a-e as taking place one hour later than the times set forth herein. The Capital One Employee informed me that this is a record keeping error, and that the actual time of deposit or withdrawal for these transaction is an hour before the time listed in the records.

² I am familiar with STEPHENS's physical appearance because I have personally met with STEPHENS.

deposited by ATM into the Stephens Checking Account. The back of these checks are signed in the name of the payees, not STEPHENS. Also on or about October 14, 2018, at approximately 9:15 A.M., a Capital One surveillance camera recorded an image of an individual resembling STEPHENS operating a USPS mail truck at a drive-through Capital One ATM in Nanuet, New York.

d. On or about October 23, 2018, at approximately 4:59 A.M., a check in the amount of \$1,157.26 made payable to an individual other than STEPHENS was deposited by ATM into the Stephens Savings Account. The back of the check is signed in the name of the payee, not STEPHENS. Also on or about October 23, 2018, at approximately 4:59 A.M., a Capital One surveillance camera recorded an image of an individual resembling STEPHENS wearing a USPS uniform at a Capital One ATM in Brooklyn, New York.

e. On or about October 24, 2018, at approximately 9:26 A.M., a cash withdrawal in the amount of \$5,900 was made from the Stephens Checking Account, and a cash withdrawal in the amount of \$2,500 was made from the Stephens Savings Account at a Capital One branch in Nanuet, New York. Also on or about October 24, 2018, at approximately 9:27 A.M., a Capital One surveillance camera recorded an image of an individual resembling STEPHENS wearing a USPS uniform in front of a Capital One branch in Nanuet, New York.

f. From on or about September 14, 2018 through on or about October 25, 2018, at least approximately \$22,810 in checks not made payable to STEPHENS were deposited into the Stephens Checking Account and the Stephens Savings Account.

7. On or about January 18, 2019, I met with the Postmaster of the USPS Post Office in Nanuet, New York (the "Nanuet Postmaster" and the "Nanuet Post Office"). I showed the Nanuet Postmaster the images taken by Capital One surveillance cameras on October 14, 2018 and October 24, 2018, and asked whether he knew the individual depicted therein. The Nanuet Postmaster identified the individual depicted in those images as ROBERT STEPHENS, the defendant, and stated that STEPHENS worked as a USPS employee at the Nanuet Post Office.

8. After speaking with the Nanuet Postmaster on or about January 18, 2019, I met with ROBERT STEPHENS, the defendant, at the Nanuet Post Office. After receiving Miranda warnings, STEPHENS consented to an interview. During my

interview with STEPHENS, he stated, in substance and in part, the following:

a. STEPHENS admitted to stealing checks from mail he was responsible for delivering, for approximately a year or longer;

b. STEPHENS admitted to causing the signatures on checks he stole from the mail to be forged, and admitted to depositing such checks into accounts he had opened with several banks, including Capital One;

c. STEPHENS admitted to withdrawing cash from the accounts into which he had deposited stolen checks.

9. Based on my training, experience, and participation in this investigation, I am aware that at the time of the events described herein, the deposits of Capital One were insured by the FDIC.

WHEREFORE, deponent respectfully requests that an arrest warrant be issued for ROBERT STEPHENS, the defendant, and that he be arrested and imprisoned or bailed, as the case may be.



HENRY PEREZ
Special Agent
USPS-OIG

Sworn to before me this
25th day of January, 2019



THE HONORABLE PAUL E. DAVISON
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF NEW YORK